**THE HON'BLE SRI JUSTICE B.PRAKASH RAO**

**AND**

**THE HONBLE DR.JUSTICE G.YETHIRAJULU**

–

**WRIT APPEAL NO. 2208 OF 2005.**

**DATED: 22-11-2005**

Between

A.P. Power Transmission of Corporation

(Transmission Corporation of A.P. Ltd.,)

Vidyuth Souda, Khairatabad, Hyderabad

Rep. By its Superintending, A.P.Transco

TL &SS Circle,B.C.Ramachchandraiah,son of

C.Krishnaiah, aged 53 yrs, r/o Kurnool.

**….Appellant**

And

1.TheAdditional Industrial Tribunal-cum-Additional

Labour Court, Hyderabad rep. By its Presiding Officer

And another.

**…Respondents**

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**JUDGMENT** (Per Sri B.Prakash Rao, J)

Heard both sides.

The appellant herein, is the petitioner in the writ petition, who seeks to assail the order refusing to grant stay pending disposal of the main writ petition,

which arises out of the proceedings at interlocutory stage in an application filed by the appellant herein raising a preliminary question as to the jurisdiction.

It was urged that having constant Tribunal at Anantapur, the Addl. Industrial Tribunal at Hyderbad has no jurisdiction. The 1st respondent has rejected the same holding that it has jurisdiction. Challenging the same, the writ petition is filed. However, the learned single Judge refused to grant interim stay of the said proceedings and further observed that the Labour Court may go on with proceedings subject to the decision in the writ petition.

Having considered the submissions made and on perusal of record, it is seen that the question is purely that of jurisdiction which goes very root of the case. In view of the same, it is more desirable that the said question should be decided at the earliest. Any decision on merits would prejudice and it will be a futile exercise in case it is found that the Court has no jurisdiction. Therefore, it is more apt to grant stay in the writ petition.

Accordingly, the writ appeal is allowed. There shall be stay pending proceedings before the 1st respondent herein. Office is directed to post the main writ petition for hearing subject to part heard on 28-11-2005 before the Court hearing the matters. No costs.

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B.PRAKASH RAO, J

**Dated: 22-11-2005.**

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G.YETHIRAJULU, J

Hsd